

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Carl Dean Edwards,
4

5 Plaintiff

6 v.

7 Clark County, Nevada, et al.,
8

9 Defendants
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Case No. 2:13-cv-1530-JAD-PAL

**Order Re: Report and Recommendation
[Doc. 7]**

11 *Pro se, in forma pauperis* prisoner Carl Dean Edwards's 42 U.S.C. § 1983 claims were
12 screened by U.S. Magistrate Judge Peggy Leen pursuant to 28 U.S.C. § 1915, and Judge Leen
13 dismissed Edwards's claims but gave him until April 18, 2014, to file an amended complaint. Doc.
14 5 at 5-6. By May 20, 2014, Edwards had failed to file an amended complaint or explain why he had
15 failed to do so; Magistrate Judge Leen recommended that this case be dismissed for Edwards's
16 failure to comply with her prior order. Doc. 7 at 1. On June 4, 2014, Edwards filed a "notice of
17 appeal"—which I liberally construe as an objection to Judge Leen's report and
18 recommendation—in which he claims that "the subsequent amended complaint was refiled . . . and
19 repeatedly returned by the pod officers and Clark County's High Desert Prison." Doc. 8 at 1.
20 Edwards claims this demonstrates that Clark County was interfering with his attempt to prosecute
21 this lawsuit. *Id.* at 2.

22 Magistrate Judge Leen's report and recommendation accurately reflected the information
23 available to her on May 20, 2014, when she recommended dismissal of Edwards's case for his
24 failure to timely amend. Based on the information Judge Leen had at that time, I agree with her
25 conclusion. I also note that Edwards's claim that Clark County is interfering with his ability to
26 prosecute this suit is called into doubt by the fact he has been permitted to file his objections, thus
27 alerting me to this alleged interference. However, in light of Edwards's explanation for why he
28 failed to timely file his amended complaint, and out of an abundance of caution and in the interests

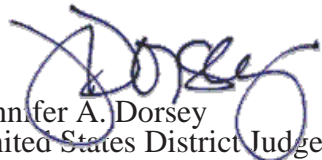
1 of justice, I sustain Edwards's objection, overrule the report and recommendation, and permit
2 Edwards one final opportunity to file an amended complaint. Edwards must file an amended
3 complaint by May 4, 2015. I caution him that, having permitted him one extension of time to file, it
4 is highly unlikely that this deadline will be extended a second time.

5 **Conclusion**

6 **IT IS THEREFORE ORDERED** that Edwards's objection to the Report and
7 Recommendation [Doc. 7] is **SUSTAINED**. The Report and Recommendation is **REJECTED**.

8 **IT IS FURTHER ORDERED** that Edwards must file any amended complaint by May 4,
9 2015. His failure to accomplish the filing of an amended complaint by May 4, 2015, may result in
10 dismissal of this case without further notice.

11 DATED April 15, 2015

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14 Jennifer A. Dorsey
15 United States District Judge
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